



1 DEVIN DERHAM-BURK #104353  
2 CHAPTER 13 STANDING TRUSTEE  
3 P O BOX 50013  
4 SAN JOSE, CA 95150-0013

5 Telephone: (408) 354-4413  
6 Facsimile: (408) 354-5513

The following constitutes  
the order of the court. Signed July 27, 2018

A handwritten signature in black ink, reading "Stephen L. Johnson".

Stephen L. Johnson  
U.S. Bankruptcy Judge

7  
8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

10 In Re:

11 ABRAHAM VALERIO

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Debtor

Chapter 13

Case No. 17-52577 SLJ

**ORDER CONFIRMING PLAN**

14 The Debtor filed an Amended Plan under Chapter 13 of the Bankruptcy Code on May 23,  
15 2018, a copy of which was served on creditors.

16 The court's decision in *In re Escarcega*, 557 B.R. 755 (Bankr. N.D.Cal. 2016) is adopted  
17 by reference if the plan being confirmed was amended before being confirmed to take account of  
18 that decision or if the plan being confirmed was filed "under duress."

19 After hearing on notice on July 19, 2018, the Court finds that the Plan complies with 11  
20 U.S.C. § 1325(a), and other applicable bankruptcy laws, rules and procedures.

21 THEREFORE, IT IS ORDERED THAT:

- 22 1. The Debtor's Amended Plan filed on May 23, 2018 is confirmed.  
23 2. The future income of the Debtor shall be submitted to the supervision and control of DEVIN  
24 DERHAM-BURK, Trustee herein, as is necessary for the execution of the Plan.

- 1 3. Any creditor whose claim is entirely disallowed by final non-appealable order, and any  
2 creditor listed in the Debtor's original Schedules that has not filed a proof of claim by the  
3 claims bar date need not be served with notice of any subsequent action in this case by the  
4 Debtor or the Trustee, unless such creditor files a request for special notice with the Court,  
5 and serves such request on the Trustee and Debtor's attorney. Notwithstanding the above, if  
6 any proposed action would directly and adversely impact a creditor, that creditor must be  
7 given notice of any motion or application.
- 8 4. Until the Plan is completed, or until the case is dismissed or converted to a different chapter of  
9 the Bankruptcy Code, the Debtor shall pay, pursuant to the terms of the Plan, to the Trustee the  
10 sum of: \$535.00 X 60 mos; \$227,974.35 in August 2018 from sale of property no later than  
11 the last day of each month, at PO BOX 50009, SAN JOSE, CA 95150-0009
- 12 5. If the Debtor fails to timely tender a payment as set forth above, the Plan shall be considered in  
13 default. Upon written notice of default by the Trustee, the Debtor shall, within twenty-one (21)  
14 days of said notice: 1) cure the default; 2) meet and confer with the Trustee and enter into an  
15 agreement resolving the default in a manner acceptable to the Trustee; OR 3) file and serve a  
16 Motion to Modify Plan which shall propose terms under which the Plan is not in default and  
17 which shall provide for Plan completion within sixty (60) months after the time that the first  
18 payment under the original plan was due.
- 19 6. Except as otherwise provided in the Plan or in the Order Confirming Plan, the Trustee shall  
20 make payments to creditors under the Plan pursuant to the Distribution Order Regarding Model  
21 Chapter 13 Plan (February 1, 2016) San Jose Distribution Order ("Distribution Order"). In the  
22 event of any conflict between the Plan and the Distribution Order regarding payments under the  
23 Plan, the terms of the Distribution Order shall govern.

24 \*\*\* END OF ORDER \*\*\*  
25

**COURT SERVICE LIST**

Case Name: ABRAHAM VALERIO

Case No.: 17-52577 SLJ

Registered ECF Participants will receive an electronically mailed copy of the foregoing document.

Non-registered parties, and/or those not represented by a registered ECF participant:

NONE